

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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Carols et al.

Plaintiff[s],

-v-

115 Broadway Corp. et al.

Defendant[s].

No. 09 Civ. 4674(RJS)
CASE MANAGEMENT PLAN AND
SCHEDULING ORDER
ECF

RICHARD J. SULLIVAN, District Judge:

At the conference before the Court held on August 26, 2009 this Case Management Plan and Scheduling Order was adopted in accordance with Rules 16-26(f) of the Federal Rules of Civil Procedure.

1. All parties (consent) (do not consent) to disposition of this case by a Magistrate Judge, pursuant to 28 U.S.C. § 636(c) [circle one]. [If all consent, the remainder of the Order need not be completed at this time.]
2. This case (is) (is not) to be tried to a jury [circle one].
3. No additional parties may be joined except with leave of the Court.
4. Amended pleadings may not be filed except with leave of the Court.
5. Initial disclosures pursuant to Rule 26(a)(1) will be completed not later than August 26, 2009 [absent exceptional circumstances, within fourteen (14) days of the date of the parties' conference pursuant to Rule 26(f)].
6. All *fact* discovery is to be completed no later than March 31, 2010 [a period not to exceed 120 days unless the Court finds that the case presents unique complexities or other exceptional circumstances].

The reason that this deadline exceeds 120 days is that plaintiffs intend on moving for class certification.

7. The parties are to conduct discovery in accordance with the Federal Rules of Civil Procedure and the Local Rules of the Southern District of New York. The following interim deadlines may be extended by the parties on consent without application to the Court, provided the parties meet the fact discovery completion date in ¶ 6 above:
 - a. Initial requests for production of documents to be served by September 26, 2009.
 - b. Interrogatories to be served by September 26, 2009.
 - c. Depositions to be completed by February 26, 2010.
 - i. Unless the parties agree or the Court so orders, depositions are not to be held until all parties have responded to initial requests for document production.
 - ii. There is no priority in deposition by reason of a party's status as plaintiff or defendant.
 - iii. Unless the parties agree or the Court so orders, non-party depositions shall follow initial party depositions.
 - d. Requests to Admit to be served no later than September 26, 2009.
8. All *expert* disclosures, including reports, production of underlying documents and depositions are to be completed by:
 - a. Expert(s) of Plaintiff(s) May 14, 2010.
 - b. Expert(s) of Defendant(s) May 14, 2010.
9. All discovery is to be completed no later than June 30, 2010.
10. The Court will schedule a post-discovery status conference (see ¶ 16) within three weeks of the close of all discovery.
11. Pre-motion letters regarding dispositive motions, if any, are to be submitted no later than two weeks prior to the post-discovery status conference date listed in ¶ 16. In accord with this Court's Individual Rule 2.A, response letters thereto are to be submitted within three business days from service of the initial pre-motion letter. P.M. Letter(s) by June 30, 2010; Responses by July 6, 2010
12. All counsel must meet for at least one hour to discuss settlement not later than two weeks following the close of fact discovery. Accordingly, Counsel for the parties

have discussed holding a settlement conference before a Magistrate Judge or the Southern District's Mediation Program and request: [check one]

- a. ☒ Referral to a Magistrate Judge for settlement discussions
The parties shall contact MJ Peck by Oct. 16, 2009
b. ☐ Referral to the Southern District's Mediation Program

13. The parties shall submit a Joint Pretrial Order prepared in accordance with the undersigned's Individual Practice Rule 3 and Rule 26(a)(3). If this action is to be tried before a jury, proposed *voir dire*, jury instructions, and a verdict form shall be filed with the Joint Pretrial Order. Counsel are required to meet and confer on jury instructions and verdict form in an effort to make an agreed upon submission.

14. Parties have conferred and their present best estimate of the length of trial is

5 days.

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TO BE COMPLETED BY THE COURT:

15. [Other directions to the parties:]

16. The post-discovery status conference is scheduled for July 14, 2010
at 9:30 a.m.

SO ORDERED.

DATED: New York, New York
August 26, 2009


RICHARD J. SULLIVAN
UNITED STATES DISTRICT JUDGE

November 27, 2007